

DOWD, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|  |   |                           |
|--|---|---------------------------|
| Plumbers and Pipefitters Local No. 219 | ) |                           |
| Combined Funds,                        | ) | CASE NO. 4:09 CV 2635     |
|  | ) |                           |
| Plaintiff,                             | ) |                           |
|  | ) | <u>MEMORANDUM OPINION</u> |
| v.                                     | ) |                           |
|  | ) |                           |
| Tru-Temp Sales and Service,            | ) |                           |
|  | ) |                           |
|  | ) |                           |
| Defendant.                             | ) |                           |

This case was referred to Magistrate Judge Pearson for general pre-trial supervision.

ECF 4. Defendant was served with the complaint, but never answered or otherwise responded.

*See* ECF 5.

Plaintiff subsequently moved for default judgment and requested an entry of default. *See* ECF 6 and 7. Default was entered against defendant Tru-Temp Sales and Service, and plaintiff's motion for default judgment was set for hearing before Magistrate Judge Pearson. *See* ECF 8 and 9. After the hearing, and after plaintiff supplemented its motion for default judgment, Magistrate Judge Pearson filed a Report and Recommendation that default judgment be entered against defendant in the manner specified in the Report and Recommendation. ECF 15.

No objection to the Report and Recommendation was filed by plaintiff or defendant within the period of time provided by the statute or beyond. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's Report and Recommendation and adopts the same. The Court will separately publish a Judgment Entry detailing the particulars of the judgment.

IT IS SO ORDERED.

March 23, 2010  
Date

s/ David D. Dowd, Jr.  
David D. Dowd, Jr.  
U.S. District Judge